CLASSIFICATION OFFICE DECISION

Title of publication:	Snapchat HTCG180596
Other known title(s):	HTCG180596, IMG 1420 to IMG1433
OFLC ref:	2000095.000
Medium:	Image File
Publisher:	Not stated
Country of origin:	Aotearoa New Zealand
Language:	English
Applicant:	Commissioner of Police
Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	10 July 2020
Date of direction to issue a label:	No direction to issue a label has been issued
Date of notice of decision:	10 July 2020

Summary of reasons for decision:

Snapchat HTCG180596 is a Snapchat conversation that was submitted as a video and a series of still images. It contains sexually explicit images and videos and text referring to sexual encounters involving children, one of which is stated to have been incestuous, but with no further detail provided. While there is an argument to be made about the composite of text and images being promotional of the sexual exploitation of children or young persons to a harmful degree, the juxtaposition of comments relating to sex involving children and young teens with videos and images that depict adult women or females who are not obviously children or young persons, makes the viewer question the veracity of the claims being made. This strongly limits their credibility. The overall effect on the reader is that this is disingenuous and boastful, rather than promotional to any genuinely harmful extent. However, given the sexually explicit nature of the imagery, a restriction to adults is required. Adults are less likely to take the claims contained in the Snapchat record at face value while younger viewers may be shocked, confused or distressed by them, particularly when juxtaposed with sexually explicit material. There is a common consensus across many countries that such material should be restricted to adults. It is generally accepted to have a detrimental effect on younger viewers who are still in the process of developing their understanding of adult sexual behaviours and relationships. While this classification places a limit on the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990, it is the lowest reasonable limitation of that right that can be applied in order to prevent injury to the public good.